

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAREMARK INC., d/b/a CAREMARK THERAPEUTIC
SERVICES,

Civil Action No.:
07 Civ. 5941 (LTS) (FM)

Plaintiffs,
-against-

**SUR-REPLY
DECLARATION OF
JOHN T. SEYBERT**

UNITED HEALTH CARE, ANCILLARY CARE
MANAGEMENT, and THE CINTAS CORPORATION
HEALTH PLAN,

**DOCUMENT
ELECTRONICALLY FILED**

Defendants.
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JOHN T. SEYBERT, pursuant to 28 U.S.C. §1746(2) declares the following:

1. I am an associate with Sedgwick, Detert, Moran & Arnold LLP, counsel for United HealthCare Insurance Company ("UHI"), incorrectly sued herein as United Health Care. I am personally familiar with the pertinent facts raised by plaintiff's motion based on my review of the records in this matter maintained by this office and my representation of defendant UHI.

2. Annexed hereto as Exhibit "1" is a copy of the Declaration of Rachel H. Park dated April 21, 2005 with Exhibits "A" and "B" attached, which was filed in the action *Caremark Therapeutic Services v. Leavitt*, Civ. Act. No. 05-Civ-00728 in the United States District Court for the Southern District of New York (the "*Leavitt* Action").

3. Annexed hereto as Exhibit "2" is a copy of the Plaintiff's Affidavit in Opposition sworn to on June 15, 2005 filed by Abraham Wax, Esq. in the *Leavitt* Action.

4. Annexed hereto as Exhibit "3" is a printout of the web pages accessed at the Division of Corporations website for the State of Delaware on August 28, 2007.

5. Annexed hereto as Exhibit "4" is a copy of the Affidavit of Service filed with the Clerk of the Court for the County of New York attesting to service on the defendant Cintas Corporation Health Plan.

Dated: New York, New York
August 31, 2007

I declare under penalty of perjury that the foregoing
is true and correct.

s/_____
JOHN T. SEYBERT (JS-5014)

CERTIFICATE OF SERVICE

I, JOHN T. SEYBERT, hereby certify and affirm that a true and correct copy of the attached **SUR-REPLY DECLARATION JOHN T. SEYBERT** was served via ECF and Regular Mail on this 31st day of August, 2007, upon the following:

Abraham Wax, Esq.
Abraham Wax, P.C.
Attorney for Plaintiff
750 Third Avenue
New York, NY 10017

s/_____
JOHN T. SEYBERT (JS-5014)

Dated: New York, New York
August 31, 2007